



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
FORT MYERS REGULATORY OFFICE
1520 ROYAL PALM SQUARE BOULEVARD, SUITE 310
FORT MYERS, FLORIDA 33919

Regulatory Division
South Permits Branch/West Permits Section
Fort Myers Regulatory Office

PUBLIC NOTICE

Permit Application No. SAJ-2004-8470(IP-JWS) OCT 28 2004

TO WHOM IT MAY CONCERN: This district has received an application for a Department of the Army permit pursuant to **Section 404 of the Clean Water Act (33 U.S.C. 1344) as described below:**

APPLICANT: MAK One, LLC.
11000-30 Metro Parkway
Fort Myers, Florida 33912

WATERWAY & LOCATION: Freshwater-forested wetlands within the Caloosahatchee River watershed. The site is located at 11659 Metro Parkway, Section 07, Township 45 South, Range 25 East, Fort Myers, Lee County, Florida.

DIRECTIONS TO SITE: From Colonial Boulevard take Metro Parkway south. Project is located on east side of Metro Parkway, north of Arc Way and south of Metro-Plex.

LATITUDE & LONGITUDE: Latitude: 26° 34' 28" North
Longitude: 81° 51' 01" West

PROJECT PURPOSE:

Basic: To construct an industrial park.

Overall: To construct an industrial park to serve the Lee County area.

PROPOSED WORK: The applicant proposes to construct an industrial park to serve the Lee County area. The property is 25.61 acres in size with 13.94 acres of wetlands and 11.67 acres of uplands. The 13.94 acres of wetlands consist of hydric melaleuca (12.42 acres), transmission line easement (1.11 acres), and disturbed/cleared land (0.41 acres). The 11.67 acres of uplands consist of melaleuca/pine/palmetto (7.27 acres), disturbed/cleared land (3.90 acres), and transmission line easement (0.50 acres).

The applicant proposes to discharge 32,020 cubic yards of fill material into 13.23 acres of wetlands and excavate 860 cubic yards of material from 0.71 acres of wetlands. The entire 13.94 acres of wetlands will be impacted.

If it is determined that issuance of a permit is appropriate and compensatory mitigation is required to offset the impacts of the proposed project, the applicant has proposed to purchase freshwater-forested credits from the Panther Island Mitigation Bank. Details of the compensation plan including wetland functional analysis and adequacy of the compensation have not been finalized.

ENDANGERED SPECIES: The project site is within a "Core Foraging Area" (CFA) for the Wood Stork (*Mycteria americana*). Due to the proposed mitigation taking place within the project vicinity and will be required to replace wetland function of like-type habitat, the Corps of Engineers has made a determination that the project "may affect, but is not likely to adversely affect" the Wood Stork.

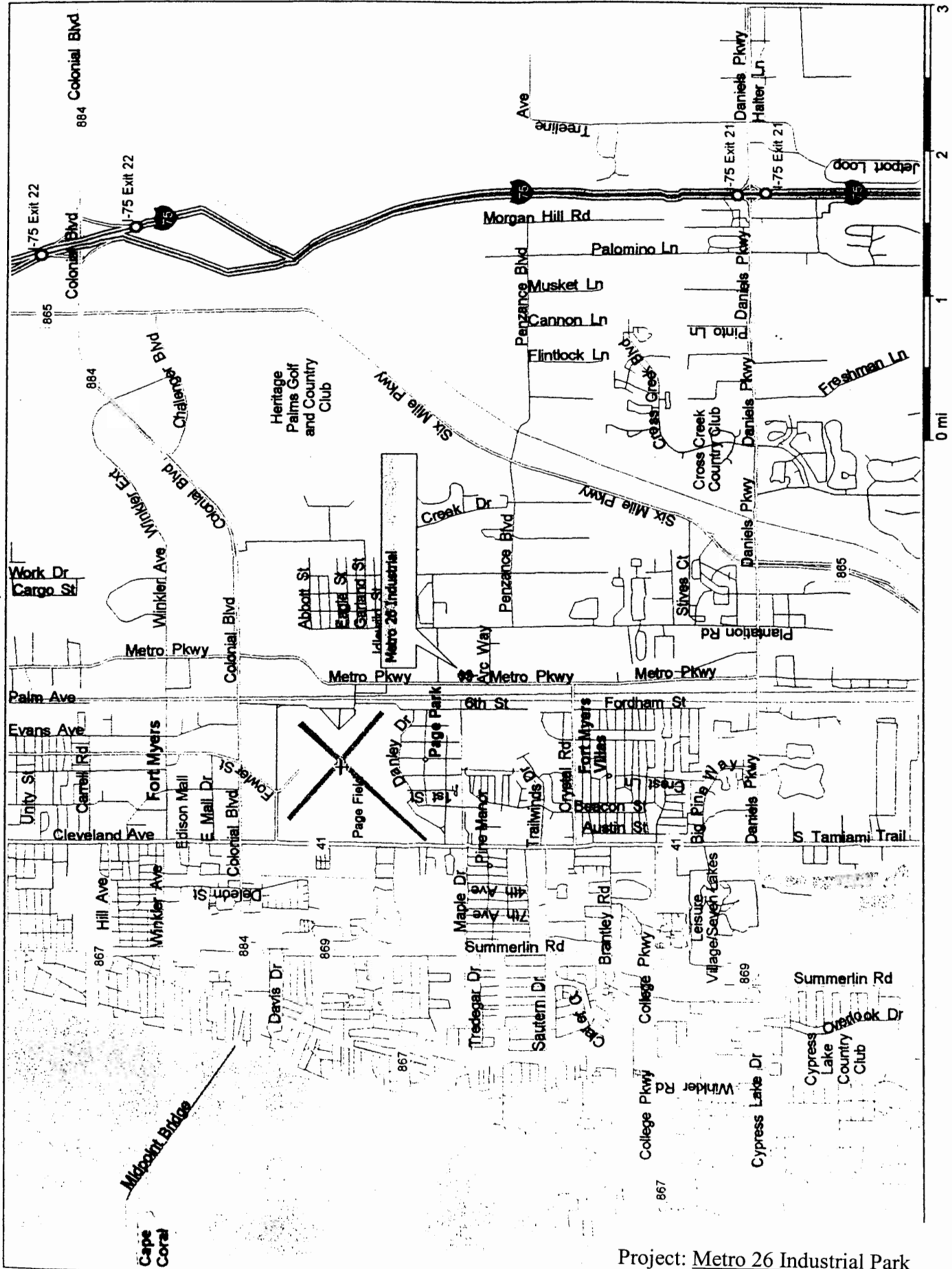
The Corps is unaware of any other threatened or endangered species concerns in the project area. This determination will be coordinated with the FWS via separate letter.

NOTE: This public notice has been developed and issued based on information furnished by the applicant and has not been verified. The Corps has verified the wetland jurisdictional boundary.

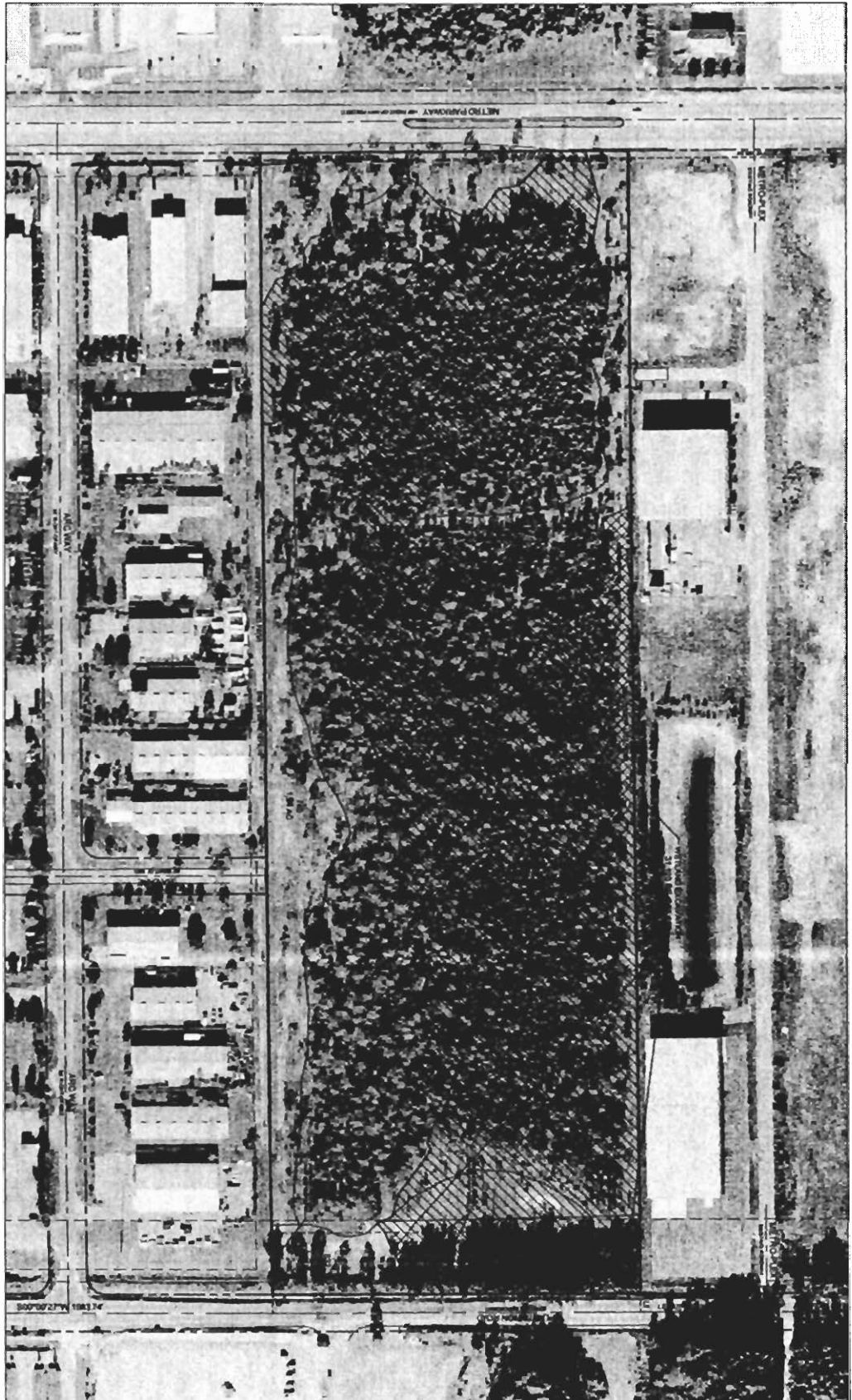
AUTHORIZATION FROM OTHER AGENCIES: The South Florida Water Management District (SFWMD) is currently processing an application for this project under application number: 040714-11.

Comments and/or recommendations concerning the application should be submitted in writing to the District Engineer, in care of Mr. Jason Steele, at the Fort Myers Regulatory Office, 1520 Royal Palm Square Blvd., Suite 310, Fort Myers, Florida 33919, by phone at 239-334-1975, Ext. 33, or via electronic mail at Jason.W.Steele@saj02.usace.army.mil within 30 days from the date of this notice.

Florida, United States, North America



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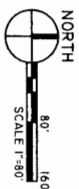


LEGEND

[Symbol]	WETLANDS (1.87 AC)
[Symbol]	WETLAND (1.34 AC)

ACCORDING TO THE FLORIDA LAND USE COVER FORM AND CLASSIFICATION SYSTEM (FLUCCS) CODES AND THE FLUCCS CODES OF THE FOLLOWING LAND USES AND TYPES:

42M	WETLANDS W/ PINE PALMETTO (1.87 AC)
74M	DISTURBED CLEARED W/ PINE PALMETTO (1.87 AC)
82M	POWER LINES CLEARED W/ PINE PALMETTO (1.87 AC)
42A	WETLANDS W/ PINE PALMETTO (1.34 AC)
42A-111	50% WETLANDS W/ PINE PALMETTO (4.89 AC)
74M	DISTURBED CLEARED W/ PINE PALMETTO (1.34 AC)



BAGLEY ENVIRONMENTAL & PLANNING SERVICE
 4801 CEDAR HAVENWAY COURT
 FORT MYERS, FLORIDA 33905
 PH: 239-693-3919 FAX: 239-694-5405

METRO 26 INDUSTRIAL PARK
 PROPOSED - 25.61 ACRE DEVELOPMENT
 LEE COUNTY, FLORIDA
 STRAP# 07-45-25-00-0004-0010
 SUPERSEDES PLAN

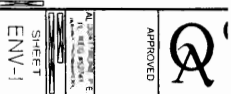
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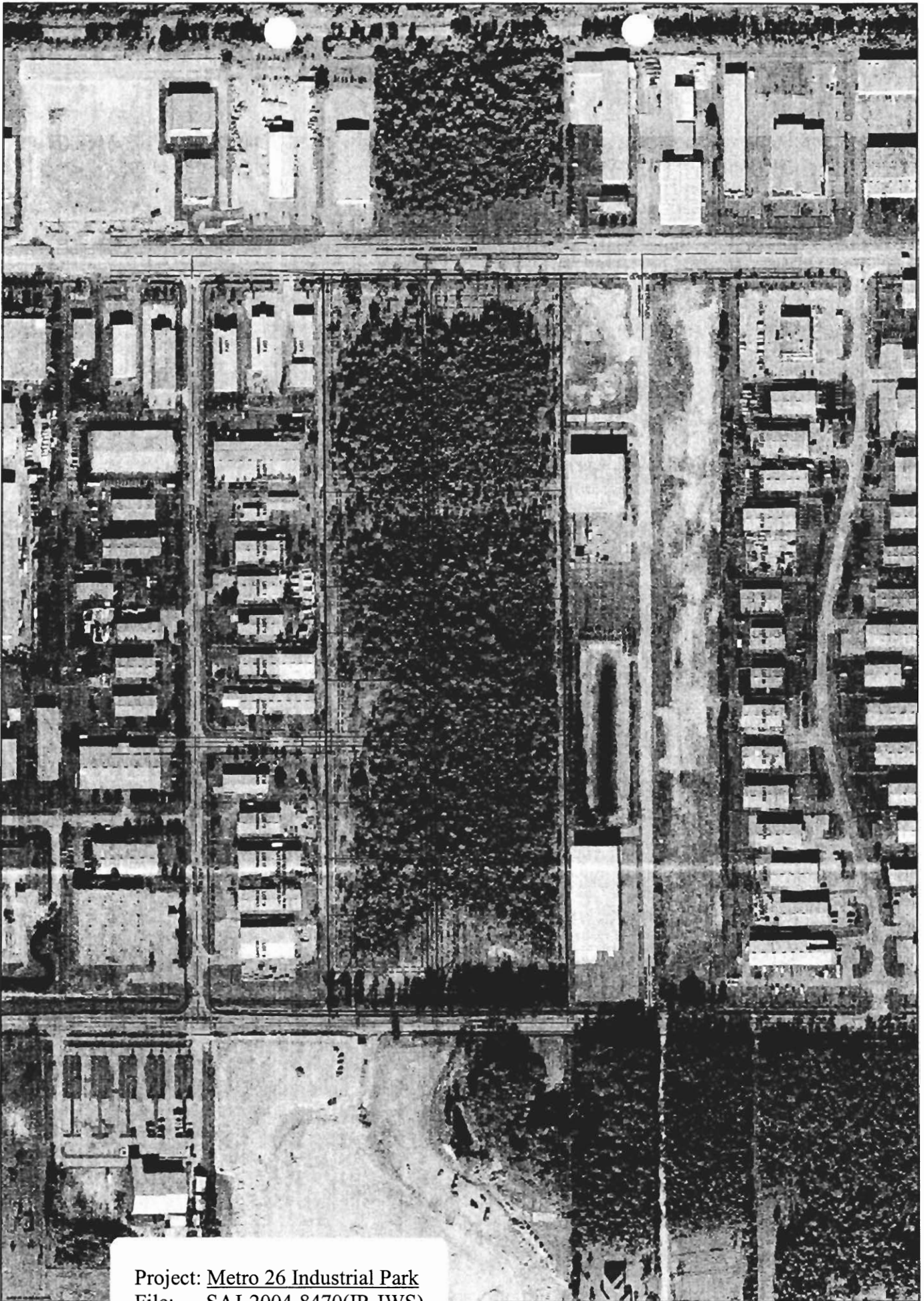
C. 222

METRO 26 INDUSTRIAL PARK
 FLUCCS MAP W/ AERIAL OVERLAY
 MAR ONE, LLC
 LEE COUNTY, FLORIDA

DATE	REVISION	DATE

ENV-2





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ETRO 26 INDUSTRIAL PARK
AERIAL
MAX ONE, LLC
LEE COUNTY, FLORIDA

DATE	REVISION	DATE
		05/10/07
		DRAWN BY
		CHECKED BY
		APPROVED BY

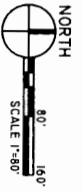
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	CHECKED BY
	APPROVED BY

[illegible]

NOTES:

PERIOD TO COMPLETED CONSTRUCTION, SILT SCREENS SHALL BE INSTALLED AND/OR THE PERMITTING OF THE SITE IS ACCOMPANIED WITH AND DETAILS SEE SHEET 5 OF 5.

CONTRACTOR SHALL OBTAIN AND KEEP ON-SITE A COPY OF THE CURRENT APPROVED SWPPP FOR THIS PROJECT. CONSTRUCTION SHALL BE NOT WITHIN FIVE FEET PERIOD TO CONSTRUCTION.

[illegible]

DATE	REVISIONS	DATE
		DES D BY
		DRWN BY
		CHK D BY
		APP D BY

IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

IMPACT ON CULTURAL RESOURCES: Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.


John R. Hall
Chief, Regulatory Division